

PR2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,237	08/28/2001	Itzhak Lif	2615/1	6123

7590 12/01/2004

DR. MARK FRIEDMAN LTD.
c/O BILL POLKINGHORN - DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MALBORO, MD 20772

EXAMINER

PESIN, BORIS M

ART UNIT PAPER NUMBER

2174

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,237

Applicant(s)

LIF, ITZHAK

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46-60 is/are allowed.
- 6) ☒ Claim(s) 31-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/15/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This communication is responsive to Amendment A, filed 07/12/2004.

1. Claims 31-60 are pending in this application. Claims 31, 42, 46, and 52 are independent claims. In the Amendment A, Claims 1-30 were canceled and claims 31-60 were added. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because it appears the drawings submitted by the applicant are informal. Formal drawings will be required. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

Claims 31 - 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Match.com ("Match," <http://www.match.com>, pages 1-18, March 2, 2001) further in view

of Brunelli et al. ("Brunelli," US005764790A) and further in view of Asimba.com ("Asimba," <http://web.archive.org/web/20000511183935/www.asimba.com/asm/Home>, pages 1-2, May 11, 2000).

In regards to claim 31, Match teaches a method for image-based matchmaking of a searcher and prospective candidates (page 1, §Post a Free Profile), the method comprising: (a) providing an image of each of the candidates (page 1, §Post a Free Profile). Match does not disclose (b) analyzing said image of each the candidates to define physical characteristics; (c) storing said physical characteristics, and (d) selecting at least one potential match between the searcher and said candidates based on said characteristics. Brunelli teaches (b) analyzing said image of each the candidates to define physical characteristics (column 3, lines 64-67); (c) storing said physical characteristics (column 4, lines 1-2, *i.e. a database*), and (d) selecting at least one potential match between the searcher and said candidates based on said characteristics (column 7, lines 6-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Match with a means to analyze and store the physical characteristics of users and select potential matches using a search, as taught by Brunelli, with the motivation to reduce the search time and find better matches in an image based search environment (column 3, lines 23-28). Match and Brunelli do not teach (e) providing at least one referee by the searcher; wherein said at least one referee is a potential searcher. Asimba teaches providing at least one referee by the searcher; wherein said at least one referee is a potential searcher (page 2, §Friends and Fleece). It would have been obvious to one of

Art Unit: 2174

ordinary skill in the art at the time the invention was made to modify the teachings of the combination of Match and Brunelli with a means for a user to refer others to a website, as taught by Asimba, with the motivation to increase the number of users of a website's services.

In regards to claim 32, Match teaches that the selecting is performed using at least one pre-defined selection criterion (page 8, §What is Search?).

In regards to claim 33, Match teaches that the said selecting is performed by a computer (*match.com's search is performed by a computer*).

In regards to claim 34, Match teaches that the at least one pre-defined selection criterion includes a criterion of like physical characteristics between the searcher and the prospective candidates (page 8, §What is Search?).

In regards to claim 35, Match teaches that the at least one pre-defined selection criterion includes a selection criterion based on correlative data on matching preferences (page 10, §How do I create a profile, *compare profiles with other users to find the best matches*).

In regards to claim 36, Match teaches that the at least one pre-defined selection criterion includes at least one selection preference obtained from the searcher (page 8, §What is Search?).

In regards to claim 37, Brunelli teaches that the image is constructed from a set of physical appearance information of one of the candidates (column 7, lines 20-26).

In regards to claim 38, Match teaches that the set of physical appearance information is obtained from a questionnaire pertaining to one of the candidates (page 10, §How do I create a profile).

In regards to claim 39, Match teaches that the questionnaire provides physical profile building information (page 10, §How do I create a profile and page 8, §What is Search).

In regards to claim 40, Match teaches (f) building and displaying a physical profile for each said potential match (page 4, *search using physical descriptions and display image of possible matches*).

In regards to claim 41, Brunelli teaches that analyzing said image includes quantification of said physical characteristics (column 5-6, lines 64-3).

In regards to claim 42, Match teaches a method for image-based matchmaking of a searcher and prospective candidates (page 1, §Post a Free Profile), the method comprising: (a) providing an image of each of the candidates (page 1, §Post a Free Profile). Match does not disclose (b) analyzing said image of each the candidates to define physical characteristics; (c) storing said physical characteristics, and (d) selecting at least one potential match between the searcher and said candidates based on said characteristics. Brunelli teaches (b) analyzing said image of each the candidates to define physical characteristics (column 3, lines 64-67); (c) storing said physical characteristics (column 4, lines 1-2, *i.e. a database*), and (d) selecting at least one potential match between the searcher and said candidates based on said characteristics (column 7, lines 6-12). It would have been obvious to one of ordinary

Art Unit: 2174

skill in the art at the time the invention was made to modify the teachings of Match with a means to analyze and store the physical characteristics of users and select potential matches using a search, as taught by Brunelli, with the motivation to reduce the search time and find better matches in an image based search environment (column 3, lines 23-28). Match and Brunelli do not teach (e) providing at least one referee by the searcher, wherein said at least one referee is a potential searcher. Asimba teaches providing at least one referee by the searcher; wherein said at least one referee is a prospective candidate (page 2, §Friends and Fleece). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of the combination of Match and Brunelli with a means for a user to refer others to a website, as taught by Asimba, with the motivation to increase the number of users of a website's services.

In regards to claim 43, Match teaches that the selecting is performed using at least one pre-defined selection criterion (page 8, §What is Search?).

In regards to claim 44, Match teaches that the said selecting is performed by a computer (*match.com's search is performed by a computer*).

In regards to claim 45, Match teaches that the at least one pre-defined selection criterion includes a criterion of like physical characteristics between the searcher and the prospective candidates (page 8, §What is Search?).

Allowable Subject Matter

Claims 46-60 are allowed.

Art Unit: 2174

The following is a statement of reasons for the indication of allowable subject matter:

Prior art does not disclose referring other users, where in the referring process the user specifies a gender of at least one referee, and by asking other users that meet certain predetermined criteria to write recommendations for a current user and then soliciting these recommendation writers to join a website community.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday, 9AM - 6PM, except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100